

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 95-079
NPDES NO. CAS612005

WASTE DISCHARGE REQUIREMENTS FOR:

FAIRFIELD-SUISUN SEWER DISTRICT in SOLANO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board) finds that:

1. The Fairfield-Suisun Sewer District (hereinafter referred to as Discharger) has submitted Part 1 of a National Pollutant Discharge Elimination System (NPDES) municipal storm water permit application on March 31, 1993, and Part 2 of the application on March 25, 1994 to the Board for issuance of Waste Discharge Requirements under the NPDES to discharge storm water runoff within the Discharger's boundaries by implementing a "Storm Water Management Plan" (hereinafter called the Plan) dated March 25, 1994, as amended on October 26 and 28, 1994. This Order is enforceable only within the boundaries of the Discharger. These boundaries are the Cities of Fairfield and Suisun City. Travis Air Force Base is separately permitted and administered by the Board.
2. The Discharger's legal authority regarding storm water activities is defined in the Storm Water Discharge Ordinance, adopted by the Discharger, and the Drainage Maintenance Agreement between the Discharger, the City of Fairfield and the City of Suisun City. Under the Ordinance and Agreement, the Discharger has adequate authority to implement the Plan, to enforce the Plan's provisions, and to be accountable for implementation of the Plan.
3. Parts 1 and 2 of the permit application, as amended, include all the pertinent information required by the Federal Regulations (40 CFR 122.26(d)(1 & 2)). The Plan describes in detail all specific activities that will be conducted over the five-year term of this Order. The Plan describes the monitoring plan, plan evaluation, annual reporting procedures, existing Best Management Practices (BMPs) currently being implemented, and proposed BMPs to be implemented. It defines the goals and objectives of the BMPs, and provides a detailed list of the tasks required to implement and evaluate the BMPs.
4. The Discharger has jurisdiction over and/or maintenance responsibility for all storm drains and watercourses within its boundaries. The principal streams in the Fairfield-Suisun area include Ledgewood, Pennsylvania Avenue, Union Avenue, Laurel and McCoy Creeks. In the Cordelia area of Fairfield, the principal streams are Green Valley, Dan Wilson, Suisun, Jameson Canyon and American Canyon Creeks. Generally, water flows from north to south in the Fairfield-Suisun area and from west

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to east in the Cordelia area. The major creeks in the Fairfield area discharge to tidally influenced channels which convey flow to Suisun Slough and/or Suisun Marsh, which flows into Suisun Bay. Suisun Marsh has areas of both brackish and fresh marsh.

5. The City of Fairfield has a population (1994) of about 78,180 (excluding Travis Air Force Base) and the City of Suisun City has a population (1994) of 24,800. Land use within these cities is primarily residential, with some commercial and to a lesser extent light industrial.
6. The Regional Board adopted a Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 17, 1986, and the State Water Resources Control Board approved it on May 21, 1987. The Board has amended the Basin Plan several times since then. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.
7. The Basin Plan lists the following existing beneficial uses that apply to Suisun Bay, its tributary streams and contiguous water bodies within the drainage basin:
 - a. Industrial Service Supply
 - b. Navigation
 - c. Water Contact Recreation
 - d. Non-Contact Water Recreation
 - e. Commercial and Sport Fishing
 - f. Wildlife Habitat
 - g. Preservation of Rare and Endangered Species
 - h. Fish Migration
 - i. Fish Spawning
 - j. Estuarine Habitat
8. The Basin Plan lists the following existing beneficial uses that apply to Suisun Marsh:
 - a. Water Contact Recreation
 - b. Non-Contact Water Recreation
 - c. Wildlife Habitat
 - d. Preservation of Rare and Endangered Species
 - e. Estuarine Habitat
 - f. Fish Migration
 - g. Fish Spawning

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9. Section 402(p) of the Federal Clean Water Act (CWA), as amended by the Water Quality Act of 1987 (WQA), requires NPDES permits for storm water discharges from separate municipal storm drain systems and prohibits non-storm water discharges into these systems. On November 16, 1990, USEPA published regulations for storm water discharges pursuant to Section 402(p) of the CWA. The Plan submitted in the permit application package was prepared to meet the Board's Basin Plan requirements for storm water discharges and to satisfy USEPA's regulations on applying for a NPDES permit for storm water discharges from separate municipal storm drain systems.
10. The Plan provides the basis of a phased and tiered approach over the next five-year period (April 1995 through April 2000) to reduce the discharge of pollutants to municipal storm drains to the maximum extent practicable. The Plan emphasizes pollution prevention activities through the following major program components:
 - Overall Program Management
 - Legal Authority
 - Control of Illicit Discharges
 - Control of Pollutants in Storm Water from Industries
 - Municipal Government Maintenance Activities
 - New Development and Redevelopment
 - Watershed Awareness and Collaborative Activities
 - Public Information/Participation
 - Evaluation of Controls
11. The Plan is an integral and enforceable component of this Order. The title page and table of contents of the Plan are included in Attachment B of this Order. The Plan and other information contained in the Discharger's application package are generally found by the Regional Board to satisfy USEPA's NPDES permit application requirements for municipal storm water discharges.
12. The State Water Resources Control Board (State Board) has issued NPDES General Permits for the regulation of storm water discharges associated with industrial and construction activities. To effectively implement the industrial, new development, and construction elements of the Plan, a permittee may conduct regulatory activities at industries or construction sites currently covered by the State General Permit. Under the CWA, the Dischargers cannot enforce the State General Permits. However, Board staff intends to work cooperatively with the Discharger to ensure that industries, businesses and developers within the Discharger's jurisdiction are not subject to duplicate or overlapping storm water regulatory activities.

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13. The definition of separate municipal storm sewer system in the Federal Storm Water Regulations may result in federal, state or regional entities within the Discharger's boundaries, not currently named in this Order, being designated as medium municipalities. Caltrans is a State agency that is currently designated as such an entity. The Board issued a separate NPDES storm water permit, No. CAS029998, to Caltrans in August 1994, and will consider issuing separate NPDES storm water permits to other federal, state or regional entities within the Discharger's boundaries that may not be subject to direct regulation by the Discharger.
14. The action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Division 13 of the Public Resources Code, Chapter 3, Section 21100, et. seq.) of Division 13 of the in accordance with Section 13389 of the California Water Code.
15. The Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules submitted in response to requirements of this Order and may provide them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations. The Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order accordingly.
16. The Board has notified the Discharger and interested agencies and interested persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
17. The Board, at a properly noticed public meeting, heard and considered all comments pertaining to the discharge.
18. This Order serves as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to CWA Section 402, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator, USEPA, has no objections.

IT IS HEREBY ORDERED that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the CWA as amended and regulations and guidelines adopted thereunder, shall comply with the following:

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A. DISCHARGE PROHIBITIONS

1. The Discharger shall effectively prohibit discharge of non-stormwater through its system into waters of the United States. NPDES permitted non-stormwater discharges are exempt from this prohibition. The following non-stormwater discharges need not be prohibited provided such sources are identified and appropriate control measures to minimize the impacts of such sources are developed under the Plan. The following discharges, conducted by the Discharger and the agencies it has entered into a Drainage Maintenance Agreement with, are authorized by this NPDES permit once they are identified and control measures are implemented. Other dischargers of such non-stormwater discharges may need to obtain NPDES permits.
 - a. water line flushing;
 - b. landscape irrigation;
 - c. diverted stream flows;
 - d. rising ground waters;
 - e. uncontaminated groundwater infiltration [as defined at 40 CFR 35.2005(20)] to separate storm sewers;
 - f. uncontaminated pumped groundwater;
 - g. discharges from potable water sources;
 - h. foundation drains;
 - i. air conditioning condensate;
 - j. irrigation water;
 - k. springs;
 - l. water from crawl space pumps;
 - m. footing drains;
 - n. lawn watering;
 - o. individual residential car washing;
 - p. flows from riparian habitats and wetlands;
 - q. dechlorinated swimming pool discharges; and
 - r. discharges or flows from emergency fire fighting activities.
2. The Discharger shall effectively prohibit discharge of storm water containing pollutants that have not been reduced to the maximum extent practicable through measures identified in the Plan.

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B. RECEIVING WATER LIMITATIONS

1. The discharge of storm water shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:
 - a. Floating, suspended, or deposited macroscopic particulate matter, or foam;
 - b. Bottom deposits or aquatic growths;
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin; and/or
 - e. Toxic or deleterious substances present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge of storm water shall not cause underlying ground water to be degraded.
3. The discharge of storm water shall not cause a violation of any applicable water quality objective for receiving waters contained in the Basin Plan. If different applicable water quality objectives are adopted after the date of adoption of this Order, the Board may revise and modify this Order as appropriate.

C. PROVISIONS

1. The Discharger shall demonstrate compliance with this Order through the timely implementation of BMPs and other actions to reduce pollutants in storm water discharges in accordance with the Plan, and any of its modifications, revisions, or amendments. The Plan, and any modifications or revisions to the

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Plan that are approved in accordance with Provision 7 of this Order, are an enforceable component of this Order.

2. The Discharger shall adopt requirements as described in the Plan that effectively prohibit non-storm water discharges into storm drains and require controls to reduce the discharge of pollutants to the maximum extent practicable.
3. The Discharger shall submit, **by September 1** of each year, an annual report documenting the status of all the general program and individual tasks contained in the Plan. This annual report shall include a detailed compilation of all the deliverables and milestones completed as described in the Plan. As part of the annual report process, the Discharger shall conduct an overall evaluation of the effectiveness of its scheduled activities as described in the Plan. Measures of effectiveness may include, but are not limited to, quantitative monitoring to assess the effectiveness of control measures, detailed accounting of program accomplishments, funds expended and staff hours utilized. Methods to improve this effectiveness shall be identified. The annual report shall include this overall evaluation of the Plan and set forth plans and schedules for implementation and effectiveness improvement for the upcoming year.

In its annual report, the Discharger shall demonstrate that they are in substantial compliance with the Plan. Demonstrating substantial compliance with the Plan shall demonstrate substantial compliance with this Permit.

4. The Discharger shall submit, **by May 1** of each year, a proposed format, subject to the Board's Executive Officer's approval, for the annual report. This proposal shall include both a detailed work plan for the upcoming year and a brief status of the general program and individual tasks contained in the Plan.
5. The Discharger shall submit, **by May 1** of each year, an annual Monitoring Program Plan acceptable to the Executive Officer that supports the development and implementation and demonstrates the effectiveness of its Storm Water Management Plan. The Monitoring Program Plan shall be designed to achieve the following objectives:
 - a. Characterization of drainage areas and storm water discharges, including land-use characteristics, pollutant concentrations, and mass loadings;

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- b. Assessment of existing or potential adverse impacts by storm water discharges, including evaluation of the beneficial uses of receiving waters;
- c. Identification of sources of pollution caused by storm water discharges; and
- d. Evaluation of effectiveness of storm water pollution prevention or control measures and any permanent control measures.

The Monitoring Program Plan shall identify and justify sampling locations, frequencies, and methods, suite of pollutants to be analyzed, analytical methods, and quality assurance procedures. Alternative monitoring methods (special projects, literature review, visual observations, use of indicator parameters, recognition and reliance on special studies conducted by other programs, etc.) may be proposed with justification.

- 6. If the Drainage Maintenance Agreement, as described in Finding 2, is terminated or changed in a material way with respect to Discharger's enforcement authority, the Discharger shall notify the Board in writing within 10 days of the termination or change.
- 7. It is anticipated that the Plan may need to be modified, revised, or amended from time to time to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated by the Executive Officer or by the Discharger. Minor changes may be made with the Executive Officer's approval and will be brought to the Board as information items. If proposed changes imply a major revision in the overall scope of effort of the program or if requested by the Discharger, such changes would be brought before the Board as permit amendments.
- 8. This Order may be modified, or alternately, revoked or reissued, prior to the expiration date, with reasonable prior notice to the Discharger and application of compliance schedules as appropriate, as follows:
 - a. to address changed conditions identified in the required technical reports or other sources deemed significant by the Board;

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- b. to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan; or
 - c. to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable.
9. The Discharger shall comply with all parts of the Standard Provisions contained in Appendix A of this Order.
10. This Order expires on April 19, 2000. The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 19, 1995.



STEVEN R. RITCHIE
Executive Officer

APPENDIX A – STANDARD PROVISIONS

ATTACHMENT A – BOUNDARY MAP

ATTACHMENT B – TITLE PAGE, TABLE OF CONTENTS OF THE FAIRFIELD-SUISUN URBAN RUNOFF MANAGEMENT PROGRAM

prior to submittal of any reports, certifications, or information signed by the authorized representative.

10. Certification

Any person signing documents under Provision 9 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Reporting Requirements

- a. Planned changes: The Discharger shall give written notice to the Regional Board as soon as possible of any planned physical alteration or additions to its right-of-way and facilities, or change in its Storm Water Management Plan. Notice is required under this provision only when the alteration, addition, or change could significantly change the nature or increase the quantity of pollutants discharged.
- b. Anticipated noncompliance: The Discharger will give advance notice to the Regional Board of any planned changes in its right-of-way and facilities, Storm Water Management Plan, or an activity which may result in noncompliance with permit requirements.
- c. Noncompliance reporting: The Discharger shall report any noncompliance at the time reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

12. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Discharger from any responsibilities, liabilities, or penalties to which the Discharger is or may be subject under Section 311 of the CWA.

13. Severability

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby.

6. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The Discharger shall furnish the Regional Board, State Board, USEPA, or local storm water management agency within a reasonable time specified by the agencies, any requested information to determine compliance with this Permit. The Discharger shall also furnish, upon request, copies of records required to be kept by this Permit.

8. Inspection and Entry

The Discharger shall allow the Regional Board, State Board, and USEPA, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;
- b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Permit; and
- c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge.
- d. Sample or monitor at reasonable times for the purpose of ensuring permit compliance.

9. Signatory Requirements

All reports, certification, or other information required by the Permit or requested by the Regional Board, State Board, USEPA shall be signed by a principal executive officer or by a duly authorized representative. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above and retained as part of the Storm Water Management Plan.
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company.
- c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be reported to the Regional Board and attached to the Storm Water Management Plan

APPENDIX A

STANDARD PROVISIONS

1. Duty to Comply

The Discharger must comply with all of the conditions of this Permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act (Water Code) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified, or revoked and reissued to conform to the toxic effluent standard or prohibition, and the Discharger so notified.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

4. Duty to Mitigate

The Discharger shall take all responsible steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

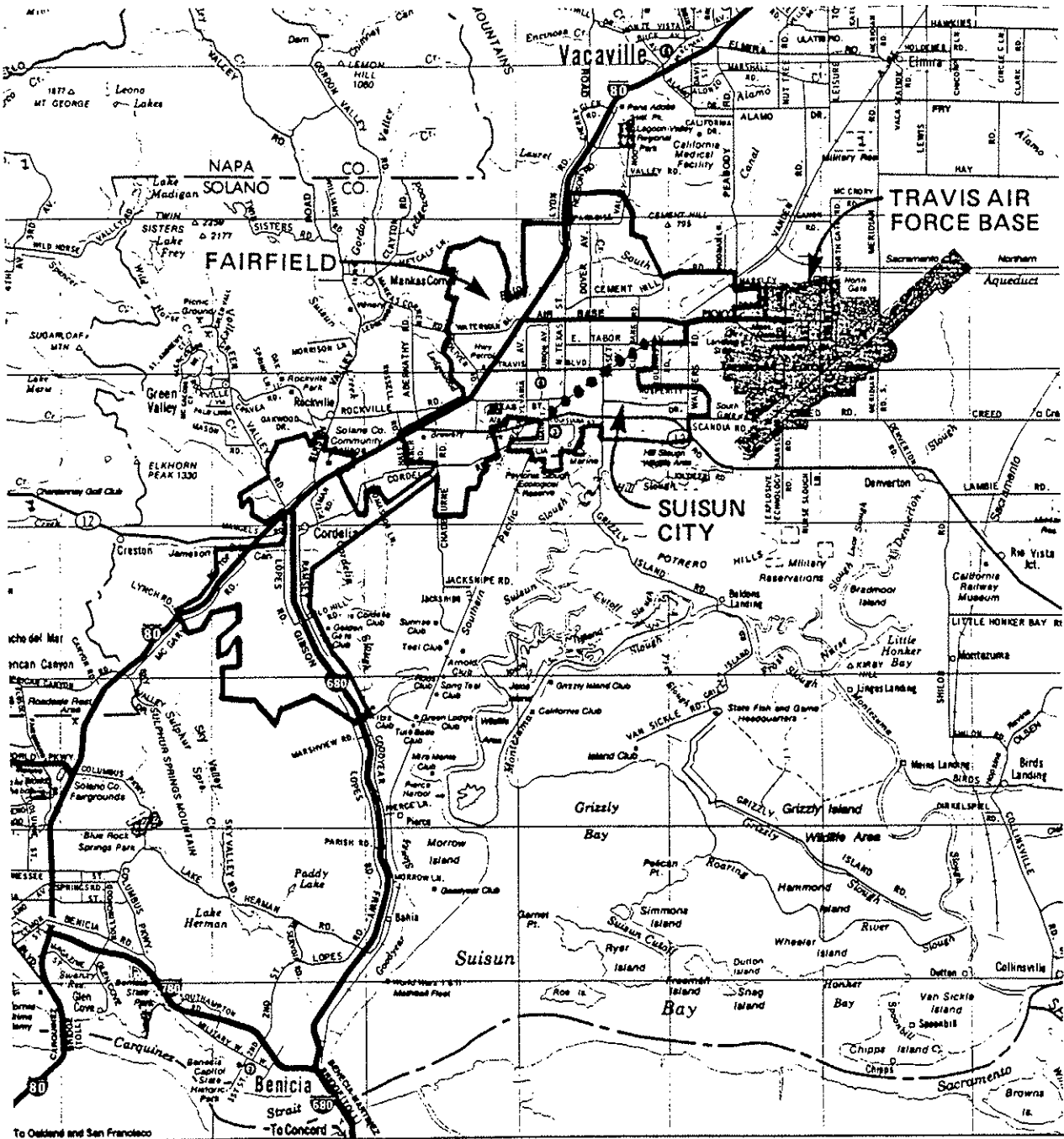
5. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems, installed by a Discharger when necessary to achieve compliance with the conditions of this Permit.

14. Penalties for Violations of Permit Conditions.

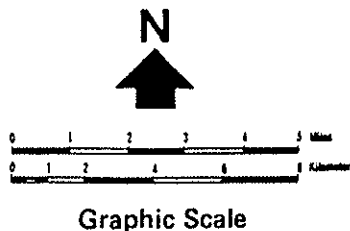
- a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this permit is subject to a civil penalty not to exceed \$25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
- b. The Water Code also provides for civil and criminal penalties, in some cases greater than those under the CWA.

ATTACHMENT A



Legend:

- Fairfield-Suisun Sewer District Boundary
- Fairfield-Suisun City Common Boundary



Kennedy/Jenks Consultants

Stormwater Management Plan
Fairfield-Suisun Sewer District

Permit Area Boundary

K/J 930514.00
March 1994

Figure 1-1

ATTACHMENT B

Fairfield-Suisun
Urban Runoff Management Program

STORM WATER MANAGEMENT PLAN FY 1994/95 - FY 1998/99

Submitted by

the Fairfield-Suisun Sewer District
1010 Chadbourne Road
Fairfield, CA 94585

for the Permit Area comprising
the Cities of Fairfield and Suisun City

Prepared by

Kennedy/Jenks Consultants
303 Second Street, 10th Floor North
San Francisco, CA 94107

in association with

EOA, Inc.
1410 Jackson Street
Oakland, CA 94612

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STORM WATER MANAGEMENT PLAN

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